

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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LORIE M. GUYES, individually,  
and as representative of a Class of  
Participants and Beneficiaries of the  
Nestle 401(k) Savings Plan,

Case No. 20-cv-1560

Plaintiff,

v.

NESTLE USA, INC., *et al.*

Defendants

**CLASS ACTION COMPLAINT  
FOR CLAIMS UNDER 29 U.S.C.  
§ 1132(a)(2)**

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**WAIVER OF SERVICE**

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TO: Walcheske & Luzi, LLC  
Counsel for Plaintiff  
15850 W. Bluemound Rd., Suite 304  
Brookfield, Wisconsin 53005

I, **Board of Directors of Nestle USA, Inc.**, acknowledge receipt of your request that I waive service of a summons in the above action. I have also received a copy of the Complaint in this action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the Complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the entity on whose behalf I am acting) if an answer or motion under Rule 12 of the Federal Rules of Civil Procedure is not served upon you within 60 days after **October 9, 2020**.

10/16/2020

(Date)



(Signature)

#### **Duty to Avoid Unnecessary Expenses of Serving a Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.